

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6356 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MANUBHAI GOTHABHAI DABHI

Versus

STATE OF GUJARAT

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Appearance:

MR GM AMIN for Petitioner

Ms.Valikarimwala AGP for the Respondents.

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CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 18/04/98

ORAL JUDGEMENT

This petition is filed by the petitioner for an appropriate writ, direction or order quashing and setting aside the order at Annexure.S passed by the Director General of Police, Gujarat State, Respondent No.2 on 9th June 1994. By the said order an application made by the petitioner for compassionate appointment came to be

rejected on the ground that total income of the petitioner's family exceeded Rs.1000/- per month as prescribed by the Government.

The case of the petitioner was that he made an application on 21st July 1990 for compassionate appointment to the District Superintendent of Police, respondent no.3 herein. Some documentary evidence was sought which was supplied. Since the decision was not taken for quite some time reminders were sent. Ultimately by the impugned order application came to be rejected.

The learned counsel for the petitioner submitted that his family income did not exceed the limit prescribed by the State Government. Hence, his case was required to be considered. Moreover, as per the decision of this court in Chanabhai Bababhai Maru vs. President/Secretary, Dhandhuka Nagar Panchayat, 1993(2) GLH 822 while computing the income of the family, amount of pension ought not to have been considered. No affidavit-in-reply is filed on behalf of the State Government. Prayer, therefore, is that respondent authorities must give appointment on compassionate ground to the petitioner.

The above prayer cannot be granted by this court. In the facts and circumstances of the case, however, the authorities are directed to decide the matter in accordance with the decisions of this court including above decision as also relevant circulars. Since the matter pertains to compassionate appointment, the authorities are directed to decide the same in accordance with law as expeditiously as possible preferably within four weeks from the date of the receipt of the writ. Petition is allowed to the above extent. Rule is made absolute to the above extent. No order as to costs.

Dt. 18.4.1998. (C.K.THAKKER J.)